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**AMENDMENTS TO THE DRAWINGS:**

- The fifty-eight (58) attached sheets of drawings in **APPENDIX A** replace the sheets depicting FIGS. 1-57 that were filed in the above-identified application on October 25, 2001.
  
- The changes made to FIGS. 1-57 are described in the **Remarks/Arguments** section beginning on page **11** of this paper.

**APPENDIX A:** Replacement Sheets for FIGS. 1-57.

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### **REMARKS**

In response to the Non-Final Office Action mailed June 28, 2006 (hereinafter "Office Action"), claims 39-66, 68-88, and 90-94 have been cancelled without prejudice or disclaimer, and claims 1-17, 19-22, 30, 32, and 34-38 have been amended. No claims have been newly added. Therefore, claims 1-38 are pending. Support for the instant amendments is provided throughout the as-filed Specification. Thus, no new matter has been added. In view of the foregoing amendments and following comments, allowance of all the claims pending in the application is respectfully requested.

### **INFORMATION DISCLOSURE STATEMENT**

Applicant thanks the Examiner for considering the references cited in the Information Disclosure Statement filed on May 2, 2001, as evidenced by the signed and initialed copy of the PTO-1449 Form returned with the Office Action.

### **DRAWINGS**

Applicant is submitting herewith, in **Appendix A**, fifty-eight (58) sheets of Replacement Drawings that replace the sheets depicting FIGS. 1-57 previously filed on October 25, 2001. The fifty-eight (58) replacement sheets include the corrections to FIGS. 9, 12-18, and 23 that were previously filed on June 13, 2005, and later approved by the Examiner [See 03/10/2006 Office Action, pg. 2, ¶17].

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### **REJECTIONS UNDER 35 U.S.C. § 101**

Claims 1-38 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. In particular, the Examiner alleges that the invention of claims 1-38 is inoperative and therefore lacks utility because “[c]laims 1-38 merely recite elements of an apparatus or a system . . . without showing any ability to realize functionality of the recited elements . . . and therefore is rendered inoperative lacking any utility.” [Office Action pg. 2, ¶3]. Applicant disagrees with this rejection for *at least* the reason that the Examiner is improperly reading limitations into § 101 regarding the subject matter that may be patented. However, *solely* in an effort to expedite prosecution, claim 1 has been amended to recite that aggregated earnings estimates performance data may be viewed via a graphical user interface. Accordingly, withdrawal of this rejection is earnestly sought.

### **REJECTIONS UNDER 35 U.S.C. § 103**

Claims 1-38 stand rejected under 35 U.S.C. § 103 as allegedly being unpatentable over U.S. Patent No. 6,606,615 to Jennings *et al.* (“Jennings”) [Office Action, pg. 3, ¶5]. Applicant traverses this rejection for *at least* the reason that Jennings does not qualify as prior art.

The above-referenced application is a continuation-in-part of co-pending U.S. Patent Application Serial. No. 09/524,253, filed March 13, 2000, which is a continuation-in-part of U.S. Patent Application Serial No. 09/296,620, filed April 23, 1999, now U.S. Patent No. 6,510,419, issued January 21, 2003. At least independent claim 1 of the above-referenced application is supported and enabled by the Specification of U.S. Patent No. 6,510,419 [See,

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*e.g.*, col. 2, lines 60-67; col. 18, line 55 – col. 19, line 22]. Accordingly, *at least* independent claim 1 of the above-referenced application is entitled to the April 23, 1999 filing date of U.S. Patent No. 6,510,419. Jennings, by contrast, has a later effective filing date of September 8, 1999. Accordingly, withdrawal of this rejection is earnestly sought.

### **CONCLUSION**


Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Date: November 28, 2006

Respectfully submitted,

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